**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: HUNTER, Charles Eric

Art Unit: 3627

Application Number: 09/493,854

Examiner: O'Connor, Gerald

Filed: January 28, 2000

Title: MUSIC DISTRIBUTION SYSTEMS

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RECEIVED**  
OCT 29 2004  
OFFICE OF PETITIONSNOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**☒ Small entity – fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27. (NOTE: Petition Fee previously-submitted AND charged by PTO - copy of Credit Card Statement attached)☐ Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify the type of reply):

☒ has been filed previously on January 27, 2004 (See Attached Copy of Previously-Submitted Petition to Revive)☐ is enclosed herewith.

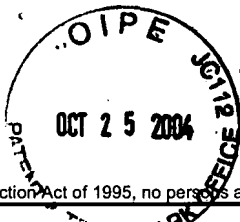
B. The issue fee of \$ \_\_\_\_\_

☐ has been filed previously on \_\_\_\_\_☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

October 25, 2004

Date

Signature

**RECEIVED**

OCT 29 2004

(770) 804-9080

Telephone Number

Adam E. Crall

Typed or printed name

**OFFICE OF PETITIONS**46,646

Registration Number, if applicable

P.O. Box 88148

Address

Atlanta Georgia 30356

Address

Enclosure ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay

- ☒ (1) Previously-Submitted Petition to Revive and Accompanying Documents/Statements (January 27, 2004); AND  
(2) Copy of Credit Card Statement Showing PTO Charge of \$55 on 1/28/2004 for Ser. No. 09/493,584

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

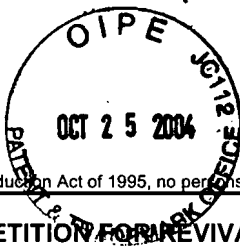
October 25, 2004

Date

Signature

Adam E. Crall, Reg. No. 46,646

Typed or printed name of person signing certificate



PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

October 25, 2004

Date

46,646

Registration Number, if applicable

Signature

Adam E. Crall

Typed or printed name

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OCT 29 2004

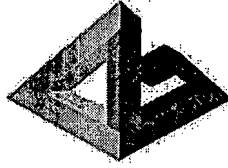
OFFICE OF PETITIONS

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A Petition to Revive (unavoidable) was previously submitted via facsimile on January 27, 2004. Applicants recently learned that the Patent Office records do not indicate that this petition was received. Therefore, Applicants are filing the present Petition to Revive and request that the originally-filed Petition to Revive be entered or, in the alternative, that the present Petition to Revive be entered.

As evidence of the previously-submitted Petition to Revive, Applicants enclose a copy of the submission faxed to the PTO on January 27, 2004, along with a copy of the credit card statement showing the PTO charge of \$55 on 1/28/2004 for Application Serial No. 09/493,854 for the fee for the previously-submitted Petition to Revive.

(Please attach additional sheets if additional space is needed.)



**LAVA GROUP**  
unearthing latent value

**RECEIVED**  
OCT 29 2004  
OFFICE OF PETITIONS

---

## FACSIMILE TRANSMITTAL

---

TO: MAIL STOP PETITION

EXAMINER: O'CONNOR, GERALD J.

FACSIMILE: (703) 872-9306

PHONE: (703) 305-1525

SUBJECT: RCE

FROM: GREGORY S. SMITH

DATE: JAN 27, 2004

NO. OF PAGES (INCLUDING COVER): 13

LAVA GROUP FILE #: 05001.1060

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☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

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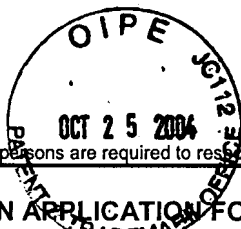
COMMENTS:

THIS TRANSMISSION INCLUDES:

PETITION TO REVIVE UNDER 37 CFR 1.137(A)  
PTO FORM PTO/SB/61

FEE TRANSMITTAL FORM

CREDIT CARD AUTHORIZATION FORM



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UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: HUNTER, Charles Eric

Art Unit: 3627

Application Number: 09/493,854

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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OCT 29 2004  
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**1. Petition fee**☒ Small entity – fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.  
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☐ has been filed previously on \_\_\_\_\_.☒ is enclosed herewith.

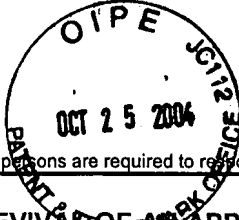
B. The issue fee of \$ \_\_\_\_\_

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[Page 1 of 3]

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

January 27, 2004

Date

(770) 804-9070

Telephone Number

40,819

Registration Number, if applicable

Signature

Gregory Scott Smith, Lava Group Law by  
Smith and Frohwein

Typed or printed name

P.O. Box 88148

Address

Atlanta Georgia 30356

Address

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OCT 29 2004

OFFICE OF PETITIONS

- Enclosure ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

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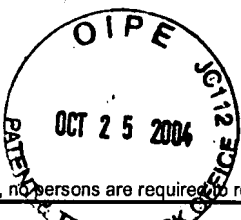
January 27, 2004

Date

Signature

Gregory Scott Smith

Typed or printed name of person signing certificate



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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

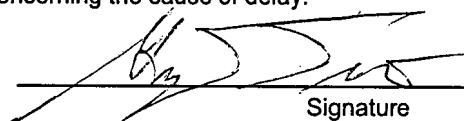
NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

January 27, 2004

Date

40,819

Registration Number, if applicable

  
Signature

Gregory Scott Smith

Typed or printed name

**RECEIVED**

OCT 29 2004

OFFICE OF PETITIONS

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

This application for United States Patent was unavoidably abandoned. A final Office Action was mailed by the USPTO on October 16, 2002. On April 16, 2003, counsel for the applicant filed a Notice of Appeal along with a Petition for a Three Month Extension of Time and the Necessary Filing Fees.

Subsequent to filing the Notice of Appeal, the applicant entered into bankruptcy proceedings and on August 26, 2003 Exodus Capital LLC received a court order that among other things, authorized them to take any action necessary to preserve the value of the applicant's collateral, which included the present application.

On September 12, 2003, Exodus Capital, LLC was informed by the counsel at the time, that they were withdrawing from representation. Exodus Capital, LLC then sought new counsel and selected the present law firm - LAVA Group Law by Smith & Frohwein.

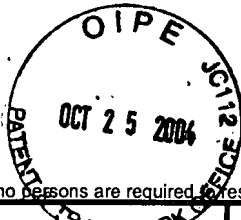
Upon docketing of the new files, the present counsel discovered that an Appeal Brief was never filed for this case and immediately filed a Request for Continued Examination on November 11, 2003.

On December 11, 2003, the Office mailed an Official Communication indicating that the appeal was dismissed for failure to file an Appeal Brief and that the application was abandoned. The Office mailed this Official Communication to the previous counsel rather than the present counsel.

On January 9th, the present counsel received the Official Communication from the previous counsel, instructed Exodus Capital LLC regarding potential options and requested approval to take action. Exodus Capital LLC has now obtained approval to continue prosecution of the application.

Thus, the entire time from the abandonment of the application to the filing of this petition was unavoidable due to the various circumstances (a) bankruptcy proceedings, (b) withdraw of previous counsel, (c) identification of new counsel, and (d) transfer of files to new counsel. The Offices granting of this petition is greatly appreciated.

(Please attach additional sheets if additional space is needed.)



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00

## Complete if Known

Application Number	09/493,854
Filing Date	January 28, 2000
First Named Inventor	HUNTER, Charles Eric
Examiner Name	O'CONNOR, Gerald J.
Art Unit	3627
Attorney Docket No.	05001.1060

OFFICE OF PETITIONS

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65		Surcharge - late filing fee or oath	
1052 50	2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130		Non-English specification	
1812 2,520	1812 2,520		For filing a request for ex parte reexamination	
1804 920*	1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110	2251 55		Extension for reply within first month	
1252 420	2252 210		Extension for reply within second month	
1253 950	2253 475		Extension for reply within third month	
1254 1,480	2254 740		Extension for reply within fourth month	
1255 2,010	2255 1,005		Extension for reply within fifth month	
1401 330	2401 165		Notice of Appeal	
1402 330	2402 165		Filing a brief in support of an appeal	
1403 290	2403 145		Request for oral hearing	
1451 1,510	1451 1,510		Petition to institute a public use proceeding	
1452 110	2452 55		Petition to revive - unavoidable	55.00
1453 1,330	2453 665		Petition to revive - unintentional	
1501 1,330	2501 665		Utility issue fee (or reissue)	
1502 480	2502 240		Design issue fee	
1503 640	2503 320		Plant issue fee	
1460 130	1460 130		Petitions to the Commissioner	
1807 50	1807 50		Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180		Submission of Information Disclosure Stmt	
8021 40	8021 40		Recording each patent assignment per property (times number of properties)	
1809 770	2809 385		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385		For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385		Request for Continued Examination (RCE)	
1802 900	1802 900		Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 55.00

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Gregory Scott Smith	Registration No. (Attorney/Agent)	40,819	Telephone	770.804.9070
Signature		Date	January 27, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



*IVoo-0002*

*ant of biam*

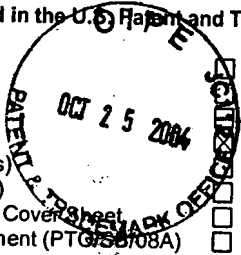
IN THE U.S. PATENT AND TRADEMARK OFFICE

Pat./Ser. No.: 09/493,854  
Inventor: HUNTER, Charles Eric  
Title: MUSIC DISTRIBUTION SYSTEMS

Docket No.: 05001.1060  
Date: October 25, 2004

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Transmittal Form  | <input checked="" type="checkbox"/> Petition for Extension of Time ___ months  |
| <input type="checkbox"/> Specification ___ pages  | <input type="checkbox"/> Response to Notice of Missing Parts   |
| <input type="checkbox"/> Executed Declaration   | <input type="checkbox"/> Amendment: OA dated   |
| <input type="checkbox"/> Power of Attorney  | <input type="checkbox"/> Petition for Revival (Unavoidably Abandoned)  |
| <input type="checkbox"/> Informal Drawings ___ sheet(s)   | <input type="checkbox"/> Notice of Appeal and Fee  |
| <input type="checkbox"/> Formal Drawings ___ Sheet(s)   | <input type="checkbox"/> Issue Fee ___ Advance Patent Copies   |
| <input type="checkbox"/> Assignment with Recordation Cover Sheet  | <input type="checkbox"/> Fee Transmittal Form (PTO/SB/17)  |
| <input type="checkbox"/> Information Disclosure Statement (PTO/SB/08A)  | <input type="checkbox"/> Credit Card Payment Form 2038   |
| <input type="checkbox"/> Copies of IDS references   | <input type="checkbox"/> Copy of International Application   |
| <input checked="" type="checkbox"/> Copy of Credit Card Statement Showing PTO Charge of \$55 on 1/28/2004 for App. Ser. No. 09/493,854 (Petition Fee for Previously-Submitted Petition for Revival (1/27/2004)) | <input checked="" type="checkbox"/> Previously-Submitted Petition for Revival (Unavoidably Abandoned) and Accompanying Documents/Statements - Submitted January 27, 2004 |



Express mail# ER 834808751 US

*paper dated  
= 1/27/04*

*Receipt showing  
PTO rec'd 10-25-4*

*Might have been a  
second filing?*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

OCT 29 2004

In Re Application of:  
**HUNTER, Charles Eric**

Serial No.:  
**09/493,854**

Filed:  
**January 28, 2000**

Title: **MUSIC DISTRIBUTION  
SYSTEMS**

§  
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Group Art Unit : 3627

Examiner : **O'CONNOR, Gerald J.**

Atty. Docket # : 05001.1060

OFFICE OF PETITIONS

**PETITION TO REVIVE UNDER 37 CFR 1.137(a)**

Mail Stop Petition  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the Office:

Applicant's attorneys are now in receipt of an Official Communication from the USPTO that was mailed on December 11, 2003. Please note that a Revocation and Appointment of a New Power of Attorney was filed on November 11, 2003 and that the docketing number and the mailing address for this application should be changed as follows:

Docket Number : **05001.1060**

Mailing Address: **35856  
LAVA Group Law by Smith and Frohwein  
P.O. Box 88148  
Atlanta, Georgia 30356**

### **Petition to Revive**

The applicant respectfully petitions the United States Patent Office under 37 CFR 1.137(a) to revive this above-identified United States Patent Application because the abandonment of the application was unavoidable.

The Office mailed an Official Communication on December 11, 2003 indicating that the above-identified United States Patent Application was abandoned for failing to timely file an Appeal Brief. The applicants attach Petition for Revival (form PTO/SB/61) setting forth the detailed reasons for the delay in filing a proper reply.

In this communication to the Office, the applicant submits the following items:

Petition for Revival PTO/SB/61;

Fee Transmittal Sheet;

Credit Card Authorization to charge the necessary fees; and

Reply to October 16, 2003 Office Action.

A Request for Continued Examination was filed with the Office on November 11, 2003.

## Amendments

Please amend the claims as follows:

Claims 1-41. (canceled)

Claim 42. (currently amended) A system for recording music, comprising:

a plurality of user stations at dispersed customer locations, the user stations including means for receiving and recording transmitted music selections;

a control system blanket transmitting music selections to the user stations; and

a communications link between the user stations and the control system to verify to the control system when selected- particular music selections from the blanket transmitted music selections have been chosen for being recorded; and

wherein the control system includes means for billing the customer locations for the particular music selections that are recorded.

Claim 43. A system according to claim 42, wherein each of the user stations includes a graphical user interface to help customers select music selections for recording.

Claim 44. A system according to claim 43, wherein the graphical user interface identifies music selections by artist, title and category.

Claim 45. A system according to claim 43, wherein each of the user stations includes a storage means for initially storing the transmitted selections.

Claim 46. A system according to claim 45, wherein each of the user stations includes means for the customer to preview the stored music selections at no charge, and thereafter to decide whether to purchase a permanent copy of the previewed music selections.

Claim 47      A system according to claim 42, wherein when the customer decides to purchase a music selection, the graphical user interface prompts the customer to insert a recording medium into the user station.

Claim 48.      A system according to claim 42, wherein the customer locations are customer households.

Claim 49.      A system according to claim 42, wherein each user station includes a compact disc writer for recording the selected music selections.

Claim 50.      A system according to claim 42, wherein the control system includes a database for storing a plurality of addresses, each of said locations being associated with one of said addresses.

Claim 51.      A system according to claim 42, wherein the control station includes means to update music pricing at any time.

Claims 52-97. (canceled)

## Remarks

The applicant's respectfully submit that each of the issues raised by the Office in the October 16, 2003 Official Communication are fully addressed by the provided amendments and the following remarks. Therefore, applicant respectfully requests the Office to enter these amendments and issue an allowance for the amended claims.

Claims 1-41 and 52-97 have been canceled. The remaining claims, claims 42-51 have been rejected by the Office under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,557,541 to Schulhof et al. and U.S. Patent Number 5,418,713 to Allen. Claim 42 is the only pending independent claim with claims 43-51 depending either directly or indirectly from claim 42.

With regards, to claim 42, the applicant submits that the cited references to not describe, suggest or teach each and every element of the claim. For instance, claim 42 recites a control system that blanket transmits music selections to a plurality of user stations. Claim 42 has been amended to more clearly indicate that this blanket transmission occurs independent of the particular music selections that are "chosen" for recording. The control system is not aware of which music selections will be chosen by the user station. Thus, a communications link must be used to notify the control system that a music selection has been recorded. The references cited by the Office deal with a system that identifies to a central storage facility which songs are desired and then, the central storage facility "selectively" transmits the music selections and already has knowledge of the billing information.

The applicant respectfully submits that claim 42 is clearly allowable over the cited references. If the Office does not agree with the applicant's argument, the applicant's

respectfully request the Office to point out the specific portion of the references that disclose such aspects.

With regards to the remaining claims, claims 43-51 either depend directly or indirectly from claim 42 and, because claim 42 is in condition for allowance, the applicant submits that these claims are also in condition for allowance.

On November 11, 2003, applicants' submitted a credit card voucher for \$1390.00 to cover the cost of filing the RCE (\$385) and a 5 month extension of time (\$1005). Applicant's submit with this response a credit card authorization for \$55.00. Applicant requests the Office to charge the necessary fees and credit any overpayments to the credit card number identified in the attached authorization.

### Conclusion

Applicant respectfully submits that upon acceptance of the applicant's petition to revive this application, all claims are in condition for allowance and respectfully requests that the case be processed to issuance.

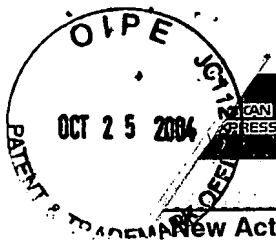
Respectfully submitted,

By: 

Gregory Scott Smith  
Reg. No. 40,819  
Attorney for Applicant

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January 27, 2004





Prepared For  
GREGORY S SMITH

Account Number  
XXXX-XXXXX1-82005

Closing Date  
02/06/04

Page 3 of 4

New Activity Continued

New Activity for GREGORY S SMITH

Card XXXX-XXXXX1-82005

RECEIVED  
OCT 29 2004  
OFFICE OF PETITIONS

			Amount \$
			Amount \$
			43.00
			19.25
			78.32
			120.00
			1,655.00
			80.00
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			1,655.00
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			15.60
			13.85
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01/29/04	MACARONI GRIL#192 DULUTH GA		57.88
	96419086 FOOD 01/29/04		
01/30/04	USPS 1204440068 ATLANTA GA		13.65
	204440068 POSTAL SERVICES 01/30/04		
01/30/04	US PATENT TRADEMARK 703-305-4631 VA		770.00
	09946959 GOVERNMENT SERVICES 01/30/04		
02/02/04	US PATENT TRADEMARK 703-305-4631 VA		130.00
	10013776 GOVERNMENT SERVICES 02/02/04		
02/04/04	US PATENT TRADEMARK 703-305-4631 VA		80.00
	60540531 GOVERNMENT SERVICES 02/04/04		
<b>Total of New Activity</b>			<b>18,005.40</b>

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